



PLANNING COMMISSION SYNOPSIS

Thursday, September 15, 2016

CALL TO ORDER

Chairperson Spiess called the Planning Commission meeting to order at 6:00 PM in the City Council Chambers of the Bloomington Civic Plaza.

COMMISSIONERS PRESENT: Spiess, Batterson, Bennett, Goodrum, Solberg, Swanson

COMMISSIONERS ABSENT: Snyder

STAFF PRESENT: Markegard, Schmidt, Centinario, O'Day

Chairperson Spiess led the attendees in the reciting of *The Pledge of Allegiance*.

**ITEM 1
6:03 p.m.**

CASE: PL2016-138

APPLICANT: Smalls Corporation dba 9RoundKickbox Fitness

LOCATION: 10700 France Avenue

REQUEST: Conditional Use Permit for a health club (Kickboxing gym) within the Park Place on France development

SPEAKING FOR THE APPLICANT:

Damion Smalls, 10700 France Avenue S, Suite 104

PUBLIC HEARING DISCUSSION:

Centinario provided the location for the proposed use and tenant layout of the Park Place on France development. The floor plan includes a number of circuit training stations. The use is conditional accessory in the B-4 Zoning District which requires a conditional use permit and the use must occupy less than 25% of the total floor area. Recommended condition #2 requires provided bicycle parking spaces throughout the site. This specific tenant requires two bicycle parking spaces.

Batterson asked about the bathroom and water use.

Centinario stated the restrooms are located in the corner of the facility. He noted there is refrigeration on site but asked the applicant to address the specifics.

Swanson asked about sound barrier standards in relation to adjacent tenants.

Centinario was not aware of any special improvements to reduce sound. Staff was not concerned about the noise level given the use of the adjacent tenants.

Damian Smalls noted 9 Rounds is a 30-minute circuit training facility. There is a speedbag near the back and adjacent to the bathroom in Firehouse Subs that alleviates noise. A refrigerator will be provided.

Bennett arrived at 6:10pm

The public hearing was closed via a motion.

Goodrum welcomed the applicant to Bloomington.

Solberg noted the use is an interesting and appropriate fit to the development.

Spieß said kickboxing is a popular fitness trend among millennials.

The item is a final decision unless an appeal is received by 4:30pm on September 20, 2016.

ACTIONS OF THE COMMISSION:

M/Swanson, S/Solberg: To close the public hearing. Motion carried 6-0.

M/Batterson, S/Solberg: In Case PL2016-138, having been able to make the required findings, I move to adopt a resolution approving a conditional use permit for a health club located at 10700 France Avenue South, subject to the conditions attached to the staff report. Motion carried 6-0.

CONDITIONS OF APPROVAL:

- | | | |
|----|-----------------|---|
| 1. | Prior to Permit | Sewer Availability Charges (SAC) must be satisfied. |
| 2. | Prior to C/O | Bicycle parking spaces must be provided throughout the site. Location and number of racks as approved by the City Engineer. |
| 3. | Ongoing | The conditional use permit is limited to the floor area shown on the approved plans in Case File # PL2016-138. |
| 4. | Ongoing | All trash and recyclable materials must be stored inside the principal building (Sec. 19.51). |
| 5. | Ongoing | Signs must be in conformance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan. |
| 6. | Ongoing | No waste, construction or otherwise, may be dumped in storm sewers. |

**ITEM 2 & 3
6:13 p.m.**

CASE: PL2016-142 and PL2016-144**APPLICANT:** City of Bloomington**REQUEST:**

- 1) Amending and reorganizing sections of Chapters 19 and 21 of the Bloomington City Code pertaining to the Flood Hazard Overlay District. The proposed changes update City Code language to be consistent with Federal Emergency Management Agency (FEMA) requirements and move the current Flood Hazard Overlay District section from Chapter 19 to Chapter 21
- 2) A Zoning Map amendment modifying the boundaries of the Flood Hazard (FH) Overlay District to match the updated Flood Insurance Rate Maps (FIRMs)

SPEAKING FROM THE PUBLIC:

Duane Filipek, 9621 Upton Rd

PUBLIC HEARING DISCUSSION:

Bryan Gruidl noted the FEMA maps are used for floodplain management. The last update to the maps was in 2004. The National Flood Insurance Program (NFIP) was created in 1968 to help property owners protect themselves and to reduce the risk of flooding. In order to participate, communities must incorporate floodplain management standards in the codes. The Code is being updated to incorporate the updated maps effective November 4, 2016. Staff submitted a draft ordinance to MnDNR which updated FIRM map references and various standards for continued compliance with the NFIP.

The rezoning ordinance is to update the flood hazard overlay map to incorporate the updated changes to the Flood Insurance Rate Maps (FIRMs). He displayed a map showing a sample area of the floodplain, highlighting areas retracted from the floodplain and areas added to the floodplain. To illustrate how the updated maps affect Bloomington, Staff divided the properties in 3 categories: out of floodplain but within 500 feet so notice was required -3,000 properties; property intersects floodplain – 313 properties; and principal structure within floodplain - 22 properties. Federal law requires principal structures in the Flood Hazard area with a loan to carry flood insurance. Lenders will likely send letters to the homeowners within those areas to provide information on insurance. Staff sent 3,300 notices and is most concerned with the 22 principal structures identified within the Special Flood Hazard Area (SFHA). There are 3 parcels with a flood insurance policy, 13 within the SFHA with no record of flood insurance and 6 parcels with a Letter of Map Amendment (LOMA) that will carry over.

Goodrum asked how the proposed updates will affect zoning standards.

Gruidl said the changes are to update definitions and standards, and adopt the new maps.

Batterson asked how many new homeowners are now within a floodplain.

Gruidl noted there are 13 properties, three of which are not impacted by the elevation.

Batterson asked if there are properties in the floodplain that are below the elevation.

Gruidl said the homes affected by the floodplain have historically been affected by the floodplain so their low floor elevations continues to be within the floodplain.

Batterson asked if there are any programs to help homeowners raise the base elevation in order to reduce premium rates.

Gruidl said there are ways floodproofing can be done to help lower insurance rates, but staff has not explored it further. Many properties are located close to Nine Mile Creek. There are floodproofing resources available on the MnDNR website.

Solberg asked if there are restrictions for properties located within the flood hazard. How many are affected?

Gruidl said staff identified 313 properties located within the flood hazard. Fences are allowed, but staff must review the plan in order to avoid the occurrence of dams.

Solberg asked how many of the 313 properties were added to the floodplain?

Gruidl stated he did not have the number on hand but can provide the number.

Solberg stated it is important for the new properties to be aware of the floodplain standards and regulations.

Duane Filipek lives along Nine Mile Creek. He noticed the creek has changed, especially this year, as the water has gone over the banks much more frequently than in the past. He recommended the City look at water runoff from blacktop parking lots and wondered if there is funding to preserve the banks along Nine Mile Creek.

The public hearing was closed via a motion.

Batterson appreciated the work and noted the City is fortunate that flooding has had a modest impact on homeowners.

Swanson said there are municipalities that require stormwater runoff to be held within the property. He suggested the City should look at stormwater runoff procedures for future construction.

Markegard noted the first motion is for the ordinance amendment and the second motion for the rezoning.

The item moves to City Council on October 3rd, 2016.

ACTIONS OF THE COMMISSION:

M/Batterson, S/Bennett: To close the public hearing. Motion carried 6-0.

M/Solberg, S/Goodrum: In Case PL2016-142, I move to recommend City Council approve an ordinance as attached to the staff report amending sections of Chapters 19 and 21 of the Bloomington City Code pertaining to the Flood Hazard Overlay District.
Motion carried 6-0

M/Solberg, S/Goodrum: In Case PL2016-144, I move to recommend City Council approve a rezoning ordinance modifying the boundaries of the Flood Hazard (FH) Overlay District to be consistent with updated Flood Insurance Rate Maps (FIRMs) prepared by the Federal Emergency Management Agency.
Motion carried 6-0.

ITEM 4
6:36 p.m.

CASE: NA

APPLICANT: City of Bloomington

REQUEST: Industrial District Zoning Update

DISCUSSION:

Schmidt gave an update of the industrial district zoning update:

- Summary of Previously Adopted Bloomington Zoning Code Updates
 - o Creation of commercial and mixed use zoning districts, residential district shift to 21, residential use matrix, townhouse district and standards, creation of and updates to various zoning standards
- Project schedule for Industrial Updates
 - o Fall 2016 – Study meetings with Planning Commission and City Council
 - o Fall 2016/winter 2017 – staff research
 - o Winter/spring 2017 – convene industrial focus group outreach and Planning Commission and City Council study meetings
 - o Spring/Summer 2017 – Informational meeting for industrial property owners/public
 - o Summer 2017 – Planning Commission and City Council public hearings
- Overview of six existing industrial districts
 - o Uses allowed in all industrial districts: manufacturing, office, research labs, warehousing, sports training, hotels, etc
 - o I-2, Limited Industry also permits – retail (heavy equipment), hazardous waste collection, open storage
 - o I-3, General Industry also permits - motor vehicle sales, junk car disposal, health club, vehicle repair, retail (heavy equipment), open storage, etc
 - o IP, Industrial Park also permits – golf driving range, agriculture (limited), retail sales (4 days/year). Prohibited uses in IP, but allowed in I-1, I-2, and I-3: place of assembly, hotels, vehicle repair, physical exercise, restaurants, self-storage
 - o FD-1 and FD-2, Freeway Development also permits – residential, entertainment/recreation, daycare facilities, colleges, motor vehicle sales, banks, health club
- Existing industrial zoning map
 - o Freeway Development districts concentrated along 494 corridor.
 - o Industrial Park districts concentrated in central Bloomington
 - o Limited Industry and General Industry districts scattered north of City Hall and Lyndale Avenue
- Non-industrial uses currently allowed and not allowed in industrial districts
 - o Allowed: office, dry cleaning, service stations, hotels, self-storage, breweries, medical office, etc.
 - o Not allowed: retail, taprooms, K-12 schools, residential, lumber yards, indoor agriculture, firearms dealer (no retail), showrooms
 - o Potentially adding taprooms, firearm dealer (no retail), indoor agriculture, lumber yards, residential to an allowed use in one small area
 - Based off input and feedback from the community and businesses
 - o Potentially removing hotels and car dealers from an allowed use to a prohibited use
- Industrial District Zoning Standards
 - o Front yard setbacks across the industrial districts range from 35-60 feet, large lot areas
 - o Staff is looking to update standards in general and specifically establish standards for maximum floor area ratio
- Open storage overview

- Two types: directly related to the principal use and not related to the principal use (by conditional or interim use permit)
 - Current standards: screening, lighting, landscaping, pavement, curb and gutter, stormwater and no limits on square footage tied to building
 - Shipping containers – are allowed onsite up to 30 days per year throughout the entire City
 - Examples of open storage sites: 9713 Irving avenue, 8100 Pillsbury avenue
 - Luther Auto Storage: tax implication on proposed Luther inventory lot with building = \$1,997,000 vs. without building = \$1,552,000
 - Surrounding communities:
 - Edina - not allowed and must be stored within an enclosed building
 - Shakopee - conditional use in industrial districts
 - Eagan – conditional use when related to principal use, fenced enclosure, screened from right-of-way and residential uses, must meet building setbacks and not located in a front yard
 - Eden Prairie – conditional use in General Industrial zoning district and screening is required
 - Richfield - zero properties zoned industrial but allows commercial outdoor storage that must be screened from public view and located in a side or rear location
 - Potential standards – meet building setbacks, must be directly related to principal use, limit to a percentage of the building size, require a conditional use permit
- Questions: Any specific research planning commission would like staff to review as part of the industrial zoning update?
- Any specific uses that should or should not be part of the industrial districts
 - Any specific industrial standards that need to be reviewed

Bennett asked how staff identified the non-allowed uses in the industrial districts. Schmidt noted the uses were identified based on other communities and businesses trying to locate in Bloomington. Markegard noted the most common feedback through the Forward 2040 public input process regarding an industrial use change is to allow taprooms in industrial areas.

Goodrum noted indoor recreational uses are popular in industrial districts. The buildings may be a good fit for indoor recreation but he is apprehensive to see children in industrial areas due to safety concerns.

Swanson asked about the minimum acreage for the various industrial districts. Schmidt gave a breakdown of the acreage. Swanson asked if staff has considered reducing the minimum lot size to encourage smaller uses. Schmidt noted staff will review the lot size in relation to specific uses. Markegard noted one concern with reducing the minimum lot area is the difficulty of reuse. He provided examples of parcels that could not practically be reused on their own. Schmidt noted the I-3 zoning district has no minimum lot size.

Solberg recommended to review parking and compare that with maximum structure coverage in order to avoid corridors with a strong presence of impervious surface. Driving to an indoor recreational facility or taproom may be unappealing if there are areas of concrete. He suggested looking at adding more greenspace standards for these types of uses.

Goodrum noted the possibility of mix and match of standards across the different types of uses. For example, a 60 foot setback for a taproom may not be appropriate for a retail use. Swanson agreed and suggested to avoid the large front setbacks as they may lead to front yard parking lots. Goodrum recommended to require a larger rear setback but allow a reduced front setback.

Batterson discussed he would like to see more uses in industrial areas that attract more people. He gave Vertical Endeavors as a positive example. It is important to encourage new manufacturing, taprooms in order to enliven the industrial area. He liked that open storage standards are flexible and sees a place for open storage in the community but wants to keep the design standards very high, especially in terms of landscaping and fencing.

Spiess would like to see how many existing industrial properties would be affected by any proposed change, perhaps by mapping nonconformities. Markegard said open storage is an important policy issue to consider. Other communities have made efforts to zone it out, and the uses are increasingly coming to Bloomington as the only alternative north of the river. Should Bloomington continue to be flexible with this use? Solberg would like to see where the open storage uses are concentrated. It is important to consider areas that may be redeveloped and to look at the surrounding tax value. Batterson asked how staff monitors the shipping containers? Schmidt noted they are identified through the Environmental Health division or by complaint. Schmidt gave Freight Farming as an example.

Schmidt gave an overview of potential zoning strategies and analysis maps:

- Protected industrial areas – properties within this area should remain industrial. Rezoning to non-industrial districts should be avoided.
- Proactive rezone – properties within this area targeted for rezoning to other districts (commercial zoning districts, new industrial/live work district or new industrial/retail district)
- Transitional area (market driven) – properties within this area would remain zoned and guided industrial; however, the City would be open to considering compelling proposals to amend the guide plan and zoning to non-industrial uses when driven by the market, dependent on the proposed land use and relationship to the surrounding uses
- Existing land use map
 - West Bloomington concentrated with office/warehouse
 - Northeast corner concentrated with retail
- Clear height map
 - Where are the clear heights for buildings in industrial districts?
 - Western Bloomington and north of City Hall has concentrated areas of higher clear height buildings, but their location varies considerably.
- Total assessed value per square foot of land area
 - High value per square foot of land area concentrated high areas along 494, and South Loop
- Site size map
 - Areas over three acres are concentrated in western and central Bloomington. Small lots under one acre concentrated along Lyndale Avenue
- Floor area ratio
 - Lower floor area ratios in the Western Industrial Area
- Effective age – based on materials and upkeep of the building
 - Using the Assessing department's data, the lowest effective age concentrated in western Bloomington
- Draft zoning map
 - Protected industrial area – Western Industrial Area and north of City Hall to remain industrially zoned.
 - Proactive rezoning – concentrated areas along 494 and near Lyndale Avenue. One idea is to rezone portions of the Lyndale-American area to a hybrid industrial/commercial district. The areas between Wentworth Avenue and Pleasant Avenue, where there is already a strong mixture of residential and industrial uses to be potentially a live-work zoning district. Markegard said there is an intermingling of residential and industrial use, which has been considered an obstacle in the past. Recently, promoting live-work type uses has become more popular in some communities and may be a good fit in this area (for example, artists

or craftsmen and women that want to live adjacent to their studios). South of 86th Street to 97th Street along Lyndale Avenue could be a hybrid of industrial/retail mix. Solberg asked about the City standpoint on the railroad. Markegard said the City does not anticipate it will be terminated as it is important to the central industrial area. The Comprehensive Plan addresses a potential transitway or a rails-to-trails if it ever were to lose its function as a working railroad.

Goodrum suggested to look at the number of employees in industrial districts. How many jobs would be replaced with a retail use? Solberg also mentioned comparing industrial vs. retail wages. Goodrum liked the industrial zones along Lyndale remaining as is because retail along the corridor could lead to traffic and congestion. He asked if the rezoning and changes are occurring prior to the Comprehensive Plan update. Markegard said the plan feeds into the Comprehensive Plan update especially with respect to calling for the protection of certain industrial areas but rezoning would likely occur prior to completion of the Comprehensive Plan update.

Solberg suggested comparing trip generation between commercial and industrial. Can the system along Lyndale handle the changes?

Spiess noted the industrial areas along Lyndale Avenue should be more transitional. Bennett agreed and noted leave it up to the market to decide. Swanson recommended that Lyndale Avenue could act as a unique opportunity to be similar to Minneapolis, with residential on one side and a taproom on the other.

- Potential new zoning districts
 - o New industrial live/work zoning district
 - o New hybrid (industrial/retail) zoning district
 - o IT – innovation and technology – high tech manufacturing and clean industrial
- Outreach
 - o Focus group consisting of property owners, chamber of commerce, leasing professional commercial real estate development association to discuss and provide feedback
 - o Informational meeting

Batterson recommends also meeting with stakeholders one on one to discuss the market forces. Brokers can be a good source of information and may be more candid one on one.

ITEM 5
7:33 p.m.

CASE: NA**APPLICANT:** City of Bloomington**REQUEST:** Consider approval of draft Planning Commission meeting
synopsis of August 25, 2016

ACTIONS OF THE COMMISSION:

M/Swanson, S/Bennett: I move to approve the August 25, 2016 Planning Commission meeting synopsis as presented.

Motion carried 6-0.

The meeting adjourned at 7:34 p.m.

Prepared By: EO **Reviewed By:** GM, MC, JS

Approved By Planning Commission: _____